

63rd LEGISLATURE—REGULAR SESSION

PROPOSED CONSTITUTIONAL AMENDMENTS—HOMESTEADS
—SINGLE PERSONS—PROTECTION—CONSENT OF
SPOUSES FOR ABANDONMENT

H. J. R. No. 7

Proposing amendments to Article XVI, Sections 50 and 51, of the Texas Constitution, to include within the scope of homestead protection the real property of a single adult person which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Article XVI, Section 50, of the Texas Constitution, be amended to read as follows:

"Sec. 50. The homestead of a family, or of a single adult person, shall be, and is hereby protected from forced sale, for the payment of all debts except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of both spouses, in the case of a family homestead, given in the same manner as is required in making a sale and conveyance of the homestead; nor may the owner or claimant of the property claimed as homestead, if married, sell or abandon the homestead without the consent of the other spouse, given in such manner as may be prescribed by law. No mortgage, trust deed, or other lien on the homestead shall ever be valid, except for the purchase money therefor, or improvements made thereon, as hereinbefore provided, whether such mortgage, or trust deed, or other lien, shall have been created by the owner alone, or together with his or her spouse, in case the owner is married. All pretended sales of the homestead involving any condition of defeasance shall be void. This amendment shall become effective upon its adoption."

Sec. 2. That Article XVI, Section 51, of the Texas Constitution, be amended to read as follows:

"Sec. 51. The homestead, not in a town or city, shall consist of not more than two hundred acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village, shall consist of lot, or lots, not to exceed in value Ten Thousand Dollars, at the time of their designation as the homestead, without reference to the value of any improvements thereon; provided, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the homestead claimant, whether a single adult person, or the head of a family; provided also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired. This amendment shall become effective upon its adoption."

Sec. 3. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1973, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment to include within the scope of homestead protection the real property of a single adult person

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which meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses."

Passed by the House on March 6, 1973: Yeas 131, Nays 10; and that the House concurred in Senate amendments to H. J. R. No. 7 on May 25, 1973: Yeas 128, Nays 8; passed by the Senate, as amended, on May 23, 1973: Yeas 31, Nays 0.

Signed by Governor June 16, 1973.

Adopted at election held on November 6,
1973.

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